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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.          | CONFIRMATION NO.       |
|---|-------------|----------------------|------------------------------|------------------------|
| 10/069,371  | 02/19/2002  | Michael Roberts      | Roberts 7-9                  | 8134                   |
| <div>7590      06/27/2007</div> <div>Lucent Technologies Inc<br/>Docket Administrator Room 3C 512<br/>600 Mountain Avenue<br/>PO Box 636<br/>Murray Hill, NJ 07974-0636</div> |             |                      |                              |                        |
|   |             |                      | EXAMINER<br>WILSON, ROBERT W |                        |
|   |             |                      | ART UNIT<br>2616             | PAPER NUMBER           |
|   |             |                      | MAIL DATE<br>06/27/2007      | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                               |                                |  |
|------------------------------|-------------------------------|--------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/069,371 | Applicant(s)<br>ROBERTS ET AL. |  |
|                              | Examiner<br>Robert W. Wilson  | Art Unit<br>2616               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-5 and 7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Objections***

1. Claims 3 & 5 are objected to because of the following informalities: The examiner objects to the wording of “being determined by the capacity of the VLR” The capacity of the network is being determined by the VLR. Applicant’s wording reads on the determining capacity of VLR which makes no sense. The examiner recommends that the applicant reword the claim limitation so that the VLR is determining the capacity. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 & 4 are rejected under 35 U.S.C. 102(E) as being anticipated by Widegren (U.S. Patent No.: 6,374,112).

Referring to claim 1, Widegren teaches: a packet switched network architecture comprising a location area connected by a radio access network to at least two core network having the same functionality (The UMTS manages core networks even if they come from different core networks on col. 12 lines 13 to 32. The examiner interprets that this means that the UMTS inherently manages core network which have the same functionality. Figure 1 shows an ISDN network which inherently has a D channel which is a packet network. Consequently the examiner interprets there would be two two ISDN networks each with D channels which are a part of two different core network which have the same functionality. The UMTS has a location area which is the Radio I/F to the UTRAN shown in Figure 1).

Wherein the radio access network switches packet transmission from each terminal in the location area to the at least two core networks wherein the radio access network switches packet transmission from each terminal to one of the at least two core network in dependence on the

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capacity of the respective core networks (The UMTS has a access network (Radio I/F ) which allows for each MS (terminal) to access the at least two ISDN (core networks) in dependence of quality of service (capacity) per Fig 1 and per col. 12 lines 12 to 32)

Referring to claim 4, Widegren teaches: a method of allocating resources in a packet switched mobile network (Fig 1 perform the method ) comprising: allocating at least two core network having the same functionality to a location area ( The UMTS manages core networks even if they come from different core networks on col. 12 lines 13 to 32. The examiner interprets that this means that the UMTS inherently manages core network which have the same functionality. Figure 1 shows an ISDN network which inherently has a D channel which is a packet network. Consequently the examiner interprets there would be two ISDN networks each with D channels which are a part of two different core network which have the same functionality. The UMTS has a location area which is the Radio I/F to the UTRAN shown in Figure 1)

Associating each mobile user in the location area with one of the core network and switching by the radio access network packet transmission from a mobile user in a location are to one of the core network in dependence on the capacity of the networks (The UTRAN associated MS (Mobile user) with Radio I/F (radio access network) with one of the ISDN core network and switches the D channel packets (network packets) from the MS (mobile station) to one of the ISDN (core networks) in dependence of Qos (capacity) per Fig 1 and per col. 12 lines 13 to 32)

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 & 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Widegren (U.S. Patent No.: 6,374,112) in view of Architectural Aspects for the Evolution of Mobile Communications Towards UMTS by Berruto which is an IDS document of record.

Referring to claim 3, Widegren teaches the packet switched network of claim 1.

Widegren does not expressly call for: core network includes a mobile switching center (MSC) comprising a visitor location register (VLR), the capacity of the respective core network being determined by the capacity of the VLR

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Berruto teaches: the RAN will be used to integrate with GSM networks which have VLR and MSC which inherently keep track of resources or capacity of their respective core networks per Pg 1480 Para IV.A. 1.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the MSC with VLR of Berruto to the network architecture of the Widegren in order to support roaming between access networks.

Referring to claim 5, Widegren teaches: the packet switched network of claim 1 and core networks.

Widegren does not expressly call for: each core network includes a mobile switching center (MSC) comprising a visitor location register (VLR), the capacity of the respective core network being determined by the capacity of the VLR.

Berruto teaches: each core network includes a mobile switching center (MSC) comprising a visitor location register (VLR), the capacity of the respective core network being determined by the capacity of the VLR (The RAN will be used to integrate with GSM networks which have VLR and MSC which inherently keep track of resources or capacity of their respective core networks per Pg 1480 Para IV.A. 1)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the MSC with VLR of Berruto each core network of Widegren in order to support roaming between access networks.

6. Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Widegren (U.S.

Patent No.: 6,374,112) in view of Boudreaux (U.S. Patent No.: 6,466,556)

Referring to claim 7, Widegren teaches the packet switched network of claim 1 and UTRAN

Widegren do not expressly call for: 2G functionality in the core networks

Bordreux teaches: 2G is a backward capability from 3G which is performed by UTRAN

It would have been obvious to one of ordinary skill in the art at the time of the invention to add 2G capability of Bordreux in to the two core networks of Widegren because 2G is a backward capability from what can be supported by UTRAN and therefore providing the capability to support legacy system

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***Response to Amendment***

7. Applicant's arguments filed 4/26/07 have been fully considered but they are not persuasive.

The examiner respectively disagrees with the applicant argument that the reference Widegren does not teach at least two core network having the same functionality. Widegren teaches: that the UMTS manages core networks even if they come from different core networks on col. 12 lines 13 to 32. The examiner interprets that the UMTS inherently manages core network which are same. Figure 1 shows an ISDN network inherently has a D channel which is a packet network. Consequently the examiner interprets there would be two ISDN with D channels which have the same functionality.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Wilson whose telephone number is 571/272-3075.

The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. VU can be reached on 571/272-73155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A handwritten signature in cursive script, reading "Robert W. Wilson".

Robert W Wilson

Examiner

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RWW  
6/22/07